

Misbranding, Section 403 (a), the label statement "Tomato Sauce" was false and misleading, and the label statement "Color Added," on some of the cans, was false and misleading as applied to an article containing no added color.

DISPOSITION: February 17, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

11977. Adulteration and misbranding of tomato sauce. U. S. v. 287 Cases * * *.
(F. D. C. No. 21694. Sample No. 48639-H.)

LIBEL FILED: December 10, 1946, District of Colorado.

ALLEGED SHIPMENT: On or about June 29, 1946, by the St. Clair Foods Co., Ltd., from McAllen, Tex.

PRODUCT: 287 cases, each containing 48 8-ounce cans, of tomato sauce at Denver, Colo.

LABEL, IN PART: (Cans) "Royal Rio, Spanish Style Tomato Sauce Net Weight 8 OZS. Avoir."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly eggs, and of a decomposed substance by reason of the presence of decomposed tomato material.

Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (The article was short-weight.)

DISPOSITION: January 9, 1947. Consent decree of condemnation and destruction.

MEAT AND POULTRY

11978. Adulteration of frozen beef. U. S. v. 378 Boxes * * *. (F. D. C. No. 22794. Sample No. 73119-H.)

LIBEL FILED: March 31, 1947, Northern District of Ohio.

ALLEGED SHIPMENT: On or about February 4, 1947, by the Houston Terminal Warehouse Co., from Houston, Tex.

PRODUCT: 378 110-pound boxes of frozen beef at Cleveland, Ohio.

LABEL, IN PART: "San Antonio Packing Company San Antonio, Texas Beef."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: June 24, 1947. The Akron Standard Market Co., Akron, Ohio, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be disposed of for use as animal feed or tankage, under the supervision of the Food and Drug Administration.

11979. Adulteration of dressed poultry. U. S. v. Hoesse Poultry Co. and Herman C. Mock. Pleas of guilty. Fine of \$150 against each defendant.
(F. D. C. No. 21570. Sample No. 53162-H.)

INFORMATION FILED: February 14, 1947, Southern District of Indiana, against the Hoesse Poultry Co., a partnership, Worthington, Ind., and Herman C. Mock, a partner.

ALLEGED SHIPMENT: On or about August 22, 1946, from the State of Indiana into the State of Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed birds.

DISPOSITION: February 14, 1947. Pleas of guilty having been entered, the court imposed a fine of \$150 each against the partnership defendant and the individual defendant.

11980. Adulteration of turkeys. U. S. v. Omaha Cold Storage Co., a corporation, and Homer C. Sheridan. Pleas of nolo contendere. Corporation fined \$300 and costs; individual fined \$50. (F. D. C. No. 23247. Sample No. 60083-H.)

INFORMATION FILED: October 10, 1947, District of Nebraska, against the Omaha Cold Storage Co., a corporation, Omaha, Nebr., and Homer C. Sheridan, vice-president.

ALLEGED SHIPMENT: On or about November 18, 1946, by the Omaha Cold Storage Co., from the State of Nebraska into the State of New York.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of contamination with fecal matter, and of a decomposed substance by reason of the presence of decomposed turkeys.

DISPOSITION: November 6, 1947. A plea of nolo contendere having been entered on behalf of the defendants, the corporation was fined \$300 and costs and the individual was fined \$50.

11981. Adulteration of frozen turkeys. U. S. v. Irving Manaster Co., a corporation, and Irving Manaster. Pleas of nolo contendere. Corporate defendant fined \$200 and costs; individual defendant fined \$100. (F. D. C. No. 22001. Sample No. 65030-H.)

INFORMATION FILED: March 10, 1947, Northern District of Illinois, against the Irving Manaster Co., Chicago, Ill., and Irving Manaster, president and treasurer.

ALLEGED SHIPMENT: On or about June 4, 1946, from the State of Illinois into the State of Pennsylvania.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of its contamination with fecal matter, and of a decomposed substance by reason of the presence of decomposed poultry.

DISPOSITION: April 11, 1947. Pleas of nolo contendere having been entered, the court imposed fines of \$200 and costs against the corporate defendant and \$100 against the individual defendant.

11982. Adulteration of frozen turkeys. U. S. v. 77 Boxes * * *. (F. D. C. No. 21981. Sample No. 57255-H.)

LIBEL FILED: December 18, 1946, District of Massachusetts.

ALLEGED SHIPMENT: On or about October 3 and 15, 1946, by Swift & Co., from Holyoke, Colo.

PRODUCT: 77 95-pound boxes of frozen turkeys at Springfield, Mass.

LABEL, IN PART: "Swift Premium Turkeys."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of being moldy.

DISPOSITION: February 12, 1947. Swift & Co., Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency.

11983. Adulteration of frozen turkeys. U. S. v. 16 Boxes * * *. (F. D. C. No. 21918. Sample Nos. 39203-H, 39205-H.)

LIBEL FILED: October 17, 1946, Northern District of Illinois.

ALLEGED SHIPMENT: On or about September 23, 1946, by Armour Creameries, from Marysville, Kans.

PRODUCT: 16 boxes of frozen turkeys at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (5), the product consisted in whole or in part of diseased animals, or of animals which had died otherwise than by slaughter.

DISPOSITION: April 9, 1947. Default decree of condemnation. The product was ordered denatured and delivered to a public institution, for use as animal feed.

NUTS

11984. Adulteration of brazil nuts. U. S. v. 50 Bags * * *. (F. D. C. No. 21986. Sample No. 65457-H.)

LIBEL FILED: December 17, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 27, 1946, by the Red Line Commercial Co., from New York, N. Y.

PRODUCT: 50 100-pound bags of brazil nuts at Philadelphia, Pa.

LABEL, IN PART: "Amazon Brand."